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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 DANIEL CLARENCE FREDRICKS,

11 Petitioner,

12 v.

13 ELDON VAIL,

14 Respondent.

Case No. C09-5599RBL/JRC

REPORT AND  
RECOMMENDATION  
TO DENY *IN FORMA*  
*PAUPERIS* STATUS

**NOTED FOR:  
October 30, 2009**

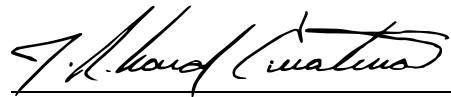
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16 This habeas corpus action, filed pursuant to 28 U. S.C. 2254, has been referred to the  
17 undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and  
18 Local Magistrate Judge's Rules MJR 3 and MJR 4.

19 Petitioner filed a proposed petition and a motion to proceed *in forma pauperis*. He also  
20 paid the filing fee. As the filing fee has been paid the court recommends the motion to proceed  
21 *in forma pauperis* be DENIED.

22 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
23 completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). However, the court has  
24 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314  
25 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Petitioner has the funds needed for  
26 full payment and he has paid the filing fee.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
2 Procedure, the parties shall have ten (10) days from service of this Report to file written  
3 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
4 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the  
5 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on  
6 October 30, 2009, as noted in the caption.

7 DATED this 7<sup>th</sup> day of October, 2009

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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